

REMARKS

The Office Action dated February 24, 2004 has been received and reviewed by the applicant. Claims 1-6 are in the application. Claims 1-6 stand rejected. Claims 1 and 4 are amended. Reconsideration is respectfully requested.

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Tsay et al. (US patent 6,529,237). The rejection stated that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify AAPA's correlated double sampling circuit with Tsay's variable capacitance network for the purpose of varying the overall effective capacitance of the input sampling and selectively control a *signal gain*." (Emphasis Added) This signal gain function is clearly pointed out in the in Tsay et al in column 1, line 15; column 2, lines 17-20; and column 2, lines 40-42.


In response, Applicant has amended claims 1 and 4 to include the limitation of "bandwidth control." It is respectfully submitted that this is clearly distinguishable from Tsay et al. in which gain is only taught or suggested since there is no teaching or suggestion of "bandwidth control." It is established precedent that functional language cannot be ignored or disregarded. *Pac-Tec, Inc. v. Amerace Corp.*, 903 F.2d 796, 14 USPQ2d 1871 (Fed. Cir. 1990) and *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 3 USPQ2d 1766 (Fed. Cir. 1987) ("so that" functional clause renders claim patentable) The claimed invention includes the advantage that "the CDS noise performance be optimized for more than one frequency." (see page 2. lines 18 and 19)

Therefore, it is respectfully submitted that the AAPA and Tsay et al. individually or in combination do not teach or suggest the claimed invention.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,


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